

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

TERRY MINTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-02-132-KEW
)	
PRIME EQUIPMENT CO.,)	
a Texas corporation,)	
)	
Defendant.)	

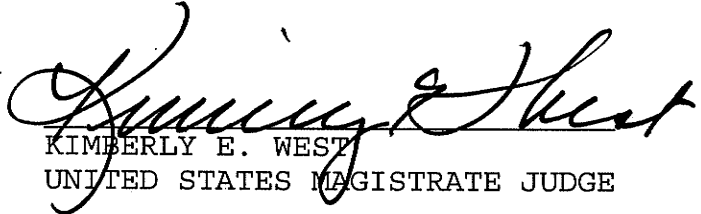
OPINION AND ORDER

This matter comes before the Court on Plaintiff's Motion for Jury View (Docket Entry #146). Through this Motion, Plaintiff seeks permission to allow the jury to view the scissor lift which forms the basis of this action. The purpose of this presentation is "so that members of the jury may determine for themselves the scope of the unauthorized modifications made to the scissor lift," contending the designer's engineer and Defendant's expert disagree as to the nature of the modifications. Both Plaintiff and Defendant recognize allowing the viewing of an article of evidence outside the courtroom by the jury lies in the sound discretion of the trial court. See e.g., American Glycerin Company v. Eason Oil Co., 98 F.2d 479, 487 (10th Cir. 1938). This Court is concerned that permitting the jury to leave the courtroom and view the lift will only emphasize the changes that have been made to the lift post-accident and unduly prejudice the panel. As a result, this Court finds a jury view of the lift would not serve to streamline the trial of the case assist the jury. Plaintiff may accomplish

the same ultimate goal of informing the jury through the use of photographic evidence.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Jury View (Docket Entry #146) is hereby DENIED.

IT IS SO ORDERED this 5th day of September, 2007.


KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE